

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

MAY 14 2009

JOHN J. CORCORAN, CLERK
BY:  DEPUTY CLERK

JOHNNIE SMITH,

CIVIL No. 3:08cv00030

Plaintiff,

v.

ORDER

THE JAMES C. HORMEL SCHOOL OF
THE VIRGINIA INSTITUTE OF AUTISM,

JUDGE NORMAN K. MOON

AND

GREENE COUNTY PUBLIC SCHOOLS,

Defendants.

By Orders dated December 29, 2008, and February 2, 2009, I referred all pretrial motions in this case to the Honorable Michael F. Urbanski, United States Magistrate Judge, for proposed findings of fact and a recommended disposition. On April 22, 2009, Judge Urbanski filed a Report and Recommendation (docket no. 87) recommending the following:

- that the Motion to Dismiss (docket no. 13) filed by Green County Public Schools be DENIED;
- that Plaintiff's Motion to Amend (docket no. 23) be GRANTED;
- that the Motion for More Definite Statement (docket no. 37) filed by the Virginia Institute of Autism ("VIA") be DENIED;
- that the VIA's Motion to Dismiss (docket no. 47) be GRANTED, in part, and DENIED, in part;
- that the VIA's Motion to Strike (docket no. 74) be GRANTED;

- that Plaintiff's Motion for Leave to File First Supplemental Complaint (docket no. 77) be DENIED;
- and that Plaintiff's Motion to Strike Supplemental Affidavit (docket no. 85) be DENIED.

Upon my review of the record, and no objection to the Report and Recommendation having been filed within ten days of its service upon the parties, the Report and Recommendation (docket no. 87) is hereby ADOPTED in its entirety. The parties are hereby DIRECTED to file summary judgment briefs; pursuant to the Orders referring all pretrial motions in this case to Judge Urbanski for proposed findings of fact and a recommended disposition, Judge Urbanski will enter an order setting forth an acceptable summary judgment briefing schedule.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record and to Magistrate Judge Urbanski.

Entered this 14th day of May, 2009.


NORMAN K. MOON
UNITED STATES DISTRICT JUDGE